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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,873	10/21/2003	Craig C. Mateer	035809-0101	3347

23524 7590 03/15/2005

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EXAMINER

TRAN, KHOI H

ART UNIT	PAPER NUMBER
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3651

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/689,873

Applicant(s)

MATEER, CRAIG C.

Examiner

Khoi H Tran

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. \
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


KHOI H. TRAN
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 3, 6, 9, and 12 rejected under 35 U.S.C. 102(e) as being anticipated by Quackenbush et al. 6,512,964.

Quackenbush '964 discloses a system and method for remotely arranging the transportation of baggage for passengers per claimed invention. The system comprises a network that provides access to a travel reservation and information server (Figure 3) from any location. From this server, user can purchase airline tickets and arrange for remote baggage pick up by a ground delivery operator (GOD). The remote pick up location includes hotel area. Upon baggage pick up, the GOD confirms that the baggage owner possesses proof of ticket purchase and personal identification via a

client computer that connects with said network and server. The GOD then tags the baggage with a scannable tag and delivers the baggage to a screening facility, and subsequently to the airplane.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 13, 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quackenbush et al. 6,512,964.

In regards to claim 4, it is obvious that the confirmed airline passenger would be provided with a boarding pass in order to board the destined plane.

In regards to claim 13, Quackenbush '964 discloses all elements per claimed invention. However, it is silent the printing step for the boarding pass and baggage identification.

Nevertheless, It would have been obvious for a person with ordinary skill in the art, at the time the invention was made, to have provided to Quackenbush '964 with the printing step because it facilitates the physical manifest of the boarding pass and baggage tag.

In regards to claim 17, it is obvious that the passenger baggage can be arrange to be pick up less than 12 hours from flight departure.

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5. Claims 2, 11, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quackenbush et al. 6,512,964 as applied to claims 1, 9, and 13 above, and further in view of Yamazaki 5,793,639 or in view of Mekata 4,984.

Quackenbush '964 discloses all elements per claimed invention as explained in paragraphs 3 and 5 above. However, it is silent as to the specific of Quackenbush '964 client computer being part of a kiosk.

Yamazaki '639 and Mekata '984 disclose a computer terminal in the form of a modular kiosk.

It would have been obvious for a person with ordinary skill in the art, at the time the invention was made, to have made Quackenbush '964 client computer part of a kiosk because it facilitates a modular housing for the client computer, as shown by Yamazaki '639, or Mekata '984.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Quackenbush et al. 6,512,964 in view of Manabe 6,594,547.

Quackenbush '964 discloses all elements per claimed invention as explained in paragraph 3 above. However it is silent as to the specific of the baggage scannable tag being in the form of a barcode.

Manabe '6,594,547 discloses of a commonly well-known scannable barcode for a baggage tag.

It would have been obvious for a person with ordinary skill in the art, at the time the invention was made, to have provided Quackenbush '964 scannable tag with a

barcode because it facilitates it provides a commonly well known scannable baggage tag, as shown by Manabe '547.

7. Claims 7, 8, 10, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quackenbush et al. 6,512,964 in view of Braveman et al. 5,401,944.

Quackenbush '964 discloses all elements per claimed invention as explained in paragraphs 3 and 5 above. However, it is silent as to the specific of the valet service, concierge service, checkout service, security service, bellhop service, parking garage service, or room service being provided along with the remote baggage service from the hotel.

Braveman '944 discloses an example of a commonly well-known bellhop service provided via the handling of airline passenger/hotel guest's baggage.

It would have been obvious for a person with ordinary skill in the art, at the time the invention was made, to have provided additional valet service, concierge service, checkout service, security service, bellhop service, parking garage service, or room service to any hotel establishment, including the hotel mentioned in Quackenbush '964 because it provides commonly well-known additional amenities and services to hotel guests. These services are also commonly well known in any 5-star rated hotels.

Response to Arguments

8. Applicant's arguments filed 12/20/2005 have been fully considered but they are not persuasive.

Applicant argued that Quackenbush et al. 6,807,458 does not anticipate the claimed method steps because the task of transporting passenger's baggage from a

remote area, i.e. hotel, to the airport is done by a ground delivery operator (GDO) and not by a "cross-utilizing employee". Essentially, Applicant is relying on the differences between two human beings for patentability. This argument is not persuasive. As indicated in the previous office action, 35 USC 101 prohibits the claim of a human being. Quackenbush '458 anticipates all claimed method steps of remotely transporting passenger's baggage from a remote location to the airport. As long as the transporting steps are anticipated, it is immaterial who is actually performing the steps. Additional activities that could be performed by the ground delivery operator (GDO) or the cross-utilizing employee do not contribute to the distinction of the actual baggage transporting steps. For example, the GDO or the cross-utilizing employee could have worked as an undercover agent for the FBI while performing the claimed method steps of transporting the baggage. Such extracurricular activity does not provide any additional distinction to the transportation of baggage.

In addition, it is the Office position that Quackenbush '458 ground delivery operator (GDO) is in fact a "cross-utilized employee" because the task of handling the baggage from a remote location, such as from a hotel, to the airport is itself a "cross-utilized function".

9. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in

the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivations for combining the references have been clearly pointed out in the respective paragraphs above.

Conclusion

10. Additional reference made of record and not relied upon is considered to be of interest to applicant's disclosure: see attached USPTO Form 892.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoi H Tran whose telephone number is (703) 308-1113. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (703) 308-1113. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Khoi H Tran
Primary Examiner
Art Unit 3651

KHT
03/09/2005